

**REISSUE DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY**

We, Robert J. DICKINSON, a citizen of the United Kingdom, residing at 37 Broomwood Road, London SW11 6HU, ENGLAND, and Christopher P. RANDELL, a citizen of the United Kingdom residing at Gable End, Beech Way, Guildford, Surrey GU1 2TA, ENGLAND, believe we are the original, first, and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,207,224 and in the foregoing specification, both entitled:

MAGNETIC RESONANCE APPARATUS

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the additional claims.

We further declare that we do not believe that the claimed invention was ever known or used in the United States before our invention thereof.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a).

Statement of Inoperativeness or Invalidity

We declare that we believe the original patent is wholly or partially inoperative by reason of a defective specification, a defective drawing, and the fact that we claimed less than we had a right to claim in the original patent.

These errors were made without any deceptive intent.

The specification of the original patent is insufficient because although it refers to "rails or rollers" at column 3, line 38, it fails to provide reference characters for these items. These errors arose during the

prosecution of the patent because at that time, we failed to realize the full significance of the rails or rollers.

The drawing of FIGURE 4 of the original patent is insufficient because it fails to illustrate the rails or rollers on which the lower horizontal rectangular planar table portion 31 is mounted. This error arose during the prosecution of the original patent when we failed to realize the significance of illustrating and claiming the described rails or rollers.

The original patent is also partially inoperative by reason of our claiming less than we had a right to claim. As stated above, the original patent describes rails or rollers at column 3, lines 34-47 which support a horizontal rectangular planar table, but fails to claim the invention of:

In an MRI system including an NMR polarizing magnet having opposed upper and lower horizontal poles defining a MRI image volume within a gap between the poles that is open about at least three sides, the improvement comprising:

a movable patient support having spaced-apart structures supporting a horizontal patient bed and depending therefrom and defining an opening under the bed sized to pass said lower magnet pole therethrough while interjecting the patient bed into said gap so as to permit substantially adjacent patient access along a side of the patient while the patient is positioned within the MRI image volume.

Such a system is claimed in newly submitted independent claim 14.

The original patent disclosed but failed to claim the invention of:

A MRI system as set forth above wherein the movable patient transport comprises:

means for moving the patient bed in at least two dimensions with respect to said spaced-apart structures.

Such a system is claimed in newly submitted dependent claim 15.

The original patent disclosed but failed to claim the invention of:

A method for positioning a patient for MRI using an NMR polarizing magnet with a C-shaped cross-section, said method comprising:

placing said patient on a movable bed having an aperture in an undercarriage disposed below the bed;

moving said bed into said open gap while moving said aperture therebelow over a lower pole face of the magnet thus leaving unobstructed adjacent access to the patient along an entire patient body side while the patient is disposed within said gap.

Such a method is claimed in newly submitted dependent claim 16.

The original patent disclosed but failed to claim the invention of:

The method as set forth above further comprising:

further adjusting the bed position within the gap along at least two dimensions with respect to said undercarriage after the bed has been located within the gap and the undercarriage has been positioned over the lower pole face.

Such a method is claimed in newly submitted dependent claim 17.

The error of claiming less than we had a right to claim arose because we failed to recognize that claims of the above-described scope constituted a patentable invention until we reviewed the '749 Li patent.

The error of failing to claim the inventions of claims 14, 15, 16, and 17 in the original patent was without deceptive intent.

These errors came to our attention after the issuance of U.S. Patent No. 5,305,749 on April 26, 1994 to Li, et al. In a review of the Official Gazette by the Corporate Counsel of the Assignee of the original Letters Patent, Picker International, Ltd. in late May or early June of 1994, the abstract of the Li patent was noted as being of potential interest. A copy of the Li patent was ordered from the United States Patent & Trademark Office along with other patents noted as being of potential interest. When the Li patent was reviewed in further detail, Corporate Patent Counsel recognized that it appeared to describe and claim an invention which was disclosed in the original Letters Patent, but which was not claimed in said original Letters Patent.

In November 1994, the Corporate Counsel for the Assignee forwarded the Li patent, the original Letters Patent, and other information to outside counsel for review. In February 1995, outside counsel reported their concurrence that the Li patent claimed an invention which was disclosed in our original Letters Patent but which was not claimed. Upon review of the Li patent contemporaneously with the signing of this Declaration, we concur that it claims in claims 2, 5, 10, and 11, inventions which we disclosed in our original Letters Patent but which we failed to claim. Our failure to claim these inventions as broadly as we had a right to claim arose without any deceptive intent on the part of the applicants.

The applicants hereby claim the benefit under 35 U.S.C. § 120 of parent U.S. Application Serial No. 441,637 filed November 27, 1989, now abandoned.

The applicants hereby claim the benefit under 35 U.S.C. § 119 of U.K. Application No. 8828810 filed December 9, 1988.

We acknowledge a duty to disclose to the Patent Office all information known to the applicants to be material to patentability as defined in 37 CFR 1.56.

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

3 Thomas E. Kocovsky, Jr., Reg. No. 28,383
Christopher B. Fagan, Reg. No. 22,987
Timothy B. Gurin, Reg. No. 31,617

Address all telephone calls to: Thomas E. Kocovsky, Jr.
at telephone number: (216) 861-5582
Address all correspondence to: Thomas E. Kocovsky, Jr.
at:

FAY, SHARPE, BEALL,
FAGAN, MINNICH & MCKEE
1100 Superior Avenue, Suite 700
Cleveland, Ohio 44114

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full name of first joint inventor: Robert J. DICKINSON¹⁻⁰⁰
Inventor's signature R. J. Dickinson
Date: April 19th 1995
Residence: 37 Broomwood Road, GB2
London, SW11 6HU, ENGLAND
Citizenship: U.K.
Post Office Address: 37 Broomwood Road
London, SW11 6HU ENGLAND

Full name of second joint inventor: Christopher P. ²⁶⁰RANDELL

Inventor's signature 

Date: 19 April 1995

Residence: Gable End, Beech Way, GB2
Guildford, Surrey GU1 2TA, ENGLAND

Citizenship: U.K.

Post Office Address: Gable End, Beech Way,
Guildford, Surrey GU1 2TA ENGLAND



03/427070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Dickinson, et al.

) Examiner:

) Patent No. 5,207,224

) Art Unit:

) Dated: May 4, 1993

) For: MAGNETIC RESONANCE
) APPARATUS

) Serial No. 07/855,116

) Filed: March 18, 1992

) Attorney Docket No.
) PKR 2 363-4

) Cleveland, OH 44114

ASSENT OF THE ASSIGNEE

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

The assignee of U.S. Patent No. 5,207,224 by virtue of assignments recorded on April 5, 1990 at Reel 5268, Frames 0300 and 0301, of the entire right, title, and interest by its Chairman, Krishan K. Bhasin, hereby assents to the filing of this reissue application.

Signed at Highland Hts., Ohio, on this 24th
day of April, 1995.

PICKER INTERNATIONAL, LTD.

Krishan K. Bhasin
Chairman